

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4948 of 2022

Kabu Biswal @ Ranjit Biswal ***Petitioner***
Mr. S.R. Mohapatra, Advocate

-versus-

State of Orissa ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

Order No.

ORDER
08.12.2022

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection Special G.R. Case No.53 of 2020 arising out of Paradeep P.S. Case No.137 of 2020 pending in the file of learned Additional Sessions Judge-Cum-Special Judge, Jagatsinghpur for commission of offences punishable under Sections 363/366/368 of IPC read with Section 12 of POCSO Act, on the allegation of kidnapping the victim by enticing her, but subsequently she was rescued by the father of the petitioner and handed over to the police.
3. In the course of hearing of the bail application, Mr. S.R. Mohapatra, learned counsel for the petitioner submits that if the allegation on record are taken into consideration, no offence is made out against the petitioner and the petitioner having detained in custody since 30.04.2022 and the victim having already handed over to the police by the father of the petitioner, the petitioner may kindly

be released on bail by taking into consideration the statement of the victim.

4. On the contrary, Mr. P.K. Pattnaik, learned A.G.A. while opposing the bail application of the petitioner vehemently by contending inter alia that the petitioner on another occasion has committed a crime again upon the victim for offence under section 6 of POCSO Act and, thereby, the petitioner is not entitled to be released on bail.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner as also the punishment prescribed for offence under section 12 of POCSO Act and keeping in view the statement of the victim and further taking into consideration the pre trial detention of the petitioner, this Court admits the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the Astaranga Police Station once in a week for six months preferably on Monday in between 12 Noon to 1 PM. The I.I.C. of Astaranga Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated. Further, it is directed that the petitioner will not visit to the

house or nearby area of the victim as also the school premises while on bail.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

